

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PATRICK HOPKINS,

Plaintiff,

v.

GNC FRANCHISING, INC.,

Defendant.

05cv1510

ELECTRONICALLY FILED

Judge Schwab

Magistrate Judge Caiazza

In Re: Doc. 2

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on October 28, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation, filed on November 17, 2005, recommended that the Plaintiff's Motion for Temporary Restraining Order (Doc. 2) now treated as a Motion for Preliminary Injunctive Relief, be denied. The parties were allowed ten days from the date of service to file objections. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 9th day of **December, 2005**,

IT IS HEREBY ORDERED that the Plaintiff's Motion for Temporary Restraining Order (Doc. 2) now treated as a Motion for Preliminary Injunctive Relief, is ***DENIED***.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 12) dated November 17, 2005 is adopted as the opinion of the court.

s/Arthur J. Schwab

Arthur J. Schwab
U.S. District Court Judge

cc:

William Witte, Esq.

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Brad Funari, Esq.

Gary Kelly, Esq.